

MAR 31 2014

JULIA C DUDLEY, CLERK
BY: *D. Dudley*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ERNEST C. HOLLAND, JR.,)
Plaintiff,) Civil Action No. 7:13cv00057
v.)
DR. D. MILLER, *et al.*,)
Defendants.) ORDER
By: Samuel G. Wilson
United States District Judge

In accordance with the memorandum opinion entered this day it is **ORDERED** and
ADJUDGED as follows:

- 1) The motion of defendant Dr. D Miller to dismiss is **GRANTED** as to all federal claims against him, except Holland's deliberate indifference claim pursuant to 42 U.S.C. §1983 and it is **DENIED** as to that claim without prejudice to reconsideration on motion for summary judgment;
- 2) The motions of defendants Eugene Whited, M. Phillips, P. Goins, M. Coleman, and C. Hawks to dismiss the federal claims against them are **GRANTED**;
- 3) Holland's claims against defendants Correctional Officer Horne and Gail Jones are **DISMISSED** under 28 U.S.C. § 1915(e)(2)(B)(ii);
- 4) The court declines to exercise supplemental jurisdiction over Holland's state law claims because they would predominate over the single remaining claim, and they are **DISMISSED without prejudice**; and
- 5) All other outstanding motions are **DENIED as moot**.

ENTER: March 31, 2014.

[Signature]
UNITED STATES DISTRICT JUDGE